

AMENDED IN ASSEMBLY AUGUST 22, 2013

AMENDED IN ASSEMBLY JUNE 6, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 31

Introduced by Senator Padilla

(Principal coauthor: Senator Steinberg)

**(Coauthors: Senators Correa, Gaines, Huff, Lara, Price, Walters,
and Wyland)**

(Coauthors: Assembly Members Bocanegra, Bradford, Ian Calderon,
Garcia, Gomez, Hall, Holden, Jones-Sawyer, *Levine*, Rendon,
Wagner, and Wilk)

December 3, 2012

An act to amend Section 5272 of the Business and Professions Code,
relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 31, as amended, Padilla. Outdoor advertising displays: arenas.

The Outdoor Advertising Act provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. The act exempts from its provisions certain advertising displays that advertise the business conducted, services rendered, or goods produced or sold on the property upon which the display is placed, as specified. The act also exempts from its provisions specified advertising displays at an arena located on public land with a capacity of 5,000 seats or more that provides a permanent venue for professional sports, and that advertises products, goods, or services that are or will be sold on the premises of the arena on a regular basis pursuant to a specified agreement.

This bill would recast the arena advertising exception to exempt from the act specified advertising displays authorized by local ~~ordinance~~, *ordinance at the premises of an arena, defined as a venue with a capacity of 15,000 seats or more that is capable of providing a permanent venue for professional sports, or on a contiguous development project or district encompassing or adjacent to the venue that extends not more than 1,000 feet from a structure connected to the venue, as specified.* These advertising displays would be authorized to advertise any products, goods, or services sold within that area on a regular basis, or marketed or promoted in that area pursuant to a sponsorship marketing plan, as defined, except ~~distilled spirits, tobacco, firearms, or sexually explicit material, if specified conditions are met.~~ The bill would additionally authorize, under similar conditions, up to 2 advertising displays that are not required to comply with the act, which the bill would require to be visible when approaching offramps from the interstate, primary, or state ~~highway nearest to~~ *highways used to access the venue, or nearest to a development project or district encompassing the arena within 1,000 feet of the venue or a structure connected to the venue premises of an arena.* The bill would require that certain conditions apply if the advertising display authorized by the bill is a message center display. The bill would require that if an advertising display is subject to a notice from the United States ~~Secretary~~ *Department of Transportation, Federal Highway Administration, or other applicable federal agency to the state* that the operation of that display will result in the reduction of federal funds, as provided, authorization of the display would cease 60 days after ~~the owner of the display receives~~ *the state notifies the display owner of the receipt of the federal notice, and would require the display owner to remove all advertising copy within that time. The bill would provide for the imposition of a civil fine of \$10,000 per day by the department on the owner for failure to remove advertising copy. The bill would require the local agency to have primary responsibility for enforcing its ordinance and these provisions, and to indemnify the state Department of Transportation for all costs incurred for failing to ensure that compliance, as specified.* The bill would prohibit, among other things, the *state* Department of Transportation from assuming any liability in connection with cessation of operation or removal of an advertising display. In addition, the bill would require an advertising display lawfully erected on or before December 31, 2013, in conformity with the law relating to the exemption for advertising displays on arenas, as

it existed on that date, to remain authorized, subject to the terms of that law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5272 of the Business and Professions
2 Code is amended to read:
3 5272. (a) With the exception of Article 4 (commencing with
4 Section 5300) and Sections 5400 to 5404, inclusive, this chapter
5 does not apply to any advertising display used exclusively for any
6 of the following purposes:
7 (1) To advertise the sale, lease, or exchange of real property
8 upon which the advertising display is placed.
9 (2) To advertise directions to, and the sale, lease, or exchange
10 of, real property for which the advertising display is placed;
11 provided, that the exemption of this paragraph does not apply to
12 advertising displays visible from a highway and subject to the
13 Highway Beautification Act of 1965 (23 U.S.C. Sec. 131).
14 (3) To designate the name of the owner or occupant of the
15 premises or to identify the premises.
16 (4) To advertise *the* business conducted, services rendered, or
17 goods produced or sold upon the property on which the advertising
18 display is placed if the display is on the same side of the highway
19 and within 1,000 feet of the point on the property or within 1,000
20 feet of the entrance to the site at which *the* business is conducted,
21 services are rendered, or goods are produced or sold.
22 (b) With the exception of Article 4 (commencing with Section
23 5300) and Sections 5400 to 5404, inclusive, this chapter does not
24 apply to any advertising display used exclusively *either to either*
25 advertise products, goods, or services sold by persons on the
26 premises of an arena on a regular basis, or to advertise any
27 products, goods, or services marketed or promoted on the premises
28 of an arena pursuant to a sponsorship marketing plan, if all of the
29 following conditions are met:
30 (1) The arena is capable of providing a venue for professional
31 sports on a permanent basis.
32 (2) The arena has a capacity of 15,000 or more seats.
33 (3) The advertising display is either of the following:

1 (A) Located on the premises of the arena.

2 (B) Has been authorized as of January 1, 2019, by, or in
3 accordance with, a local ordinance, including, but not limited to,
4 a specific plan or sign district adopted in connection with the
5 approval of the arena by the city ~~or~~, county, *or city and county*,
6 bears the name or logo of the arena, and is visible when
7 approaching offramps from the interstate, primary, or state ~~highway~~
8 ~~nearest to highways used to access~~ the premises of the arena. No
9 arena shall be permitted more than two advertising displays allowed
10 under this subparagraph.

11 (c) (1) Any advertising display erected pursuant to subdivision
12 (b) and located on the premises of the arena shall be lawful only
13 if authorized by, or in accordance with, an ordinance, including,
14 but not limited to, a specific plan or sign district, adopted by the
15 city ~~or~~, county, *or city and county*, that regulates advertising
16 displays on the premises of the arena by identifying the specific
17 displays or establishing regulations that include, at a minimum,
18 all of the following:

19 (A) Number of signs and total signage area allowed.

20 (B) Maximum individual signage area.

21 (C) Minimum sign separation.

22 (D) Illumination restrictions and regulations, including signage
23 refresh rate, scrolling, and brightness.

24 (E) Illuminated sign hours of operation.

25 (2) Authorization of advertising displays under subdivision (b)
26 is subject to the owner of the advertising display submitting to the
27 department a copy of the ordinance adopted by the city ~~or~~, county,
28 *or city and county* in which the arena is located authorizing the
29 advertising display and, for signs located on the premises of the
30 arena, identification of the provisions of the ordinance required
31 under paragraph (1). The department shall certify that the proposed
32 ordinance meets the minimum requirements contained in paragraph
33 (1).

34 (3) An advertising display authorized pursuant to subdivision
35 (b) shall not advertise products, goods, or services related to
36 ~~distilled spirits~~, tobacco, firearms, or sexually explicit material.

37 (4) This chapter does not limit a local government from adopting
38 ordinances prohibiting or further restricting the size, number, or
39 type of advertising displays permitted by this section.

1 (d) As used in this section, “the premises of an arena” means
2 either of the following:

3 (1) A venue for indoor or outdoor sports, concerts, or other
4 events.

5 (2) Any development project or district encompassing the venue,
6 adjacent to it, or separated from it only by public or private
7 rights-of-way, the boundaries of which have been set by the city
8 ~~or~~, county, *or city and county* in which the arena is located. The
9 development project or district must be contiguous and may not
10 extend more than 1,000 feet beyond the arena structure or any
11 structure physically connected to the arena structure.

12 (e) As used in this section, “sponsorship marketing plan” means
13 an agreement between the property owner, facility owner, facility
14 operator, or occupant of the premises of an arena and a sponsor
15 pursuant to which the sponsor is allowed to include its logo, slogan,
16 or advertising on advertising displays and that meets both of the
17 following conditions:

18 (1) The sponsorship marketing plan is for a period of not less
19 than one year.

20 (2) The sponsorship marketing plan grants the sponsor the
21 opportunity to display its logo, slogan, or advertising in the interior
22 of structures on the premises of an arena, or conduct promotions,
23 public relations, or marketing activities on the premises of an arena.

24 (f) Authorization of an advertising display under subdivision
25 (b) that is a message center display is subject to the owner of the
26 display complying with one of the following conditions:

27 (1) Making a message center display within the premises of the
28 arena available on a space-available basis for use by the department
29 or the Department of the California Highway Patrol for public
30 service messages, including Emergency Alert System (Amber
31 Alert) messages disseminated pursuant to Section 8594 of the
32 Government Code, and messages containing, among other things,
33 reports of commute times, drunk driving awareness messages,
34 reports of accidents of a serious nature, and emergency disaster
35 communications.

36 (2) Making a message center display not subject to this section
37 that is under the control of the owner of the advertising display
38 available on a space-available basis for public service messages
39 in a location acceptable to the department and the Department of
40 the California Highway Patrol.

(3) Providing funding to the department for the installation of a message center display to accommodate those public service messages, which may include funding as part of mitigation in connection with the approval of the arena by the city or county, or city and county.

(g) If an advertising display authorized under subdivision (b) is subject to a notice from the United States Secretary Department of Transportation, the Federal Highway Administration, or any other applicable federal agency to the state that the operation of that display will result in the reduction of federal aid highway funds provided in Section 131 of Title 23 of the United States Code, authorization of the display under subdivision (b) shall cease and the display owner shall remove all advertising copy from the display within 60 days after the owner of the display receives notice. after the state notifies the display owner of the receipt of the federal notice. Failure to remove the advertising copy pursuant to this subdivision shall result in a civil fine, imposed by the California Department of Transportation, of ten thousand dollars (\$10,000) per day until the advertising copy is removed. The California Department of Transportation department shall not assume any liability in connection with cessation of operation or removal of an advertising display or advertising copy pursuant to this subdivision and shall be held harmless and indemnified from all legal actions involving the displays by the city, county, or city and county that adopted the ordinance allowing those displays. subdivision.

(h) Except as provided in this section, the department shall not otherwise be responsible for any regulation of the displays allowed under this section.

(h) The city, county, or city and county adopting the ordinance authorizing the displays erected pursuant to this section shall have primary responsibility for ensuring that the displays remain in conformance with all provisions of the ordinance and of this section. If the city, county, or city and county fails to ensure that the displays remain in conformance with all provisions of the ordinance and of this section after 30 days of receipt of a written notice from the department, the city, county, or city and county shall hold the department harmless and indemnify the department for all costs incurred by the department to ensure compliance with

1 *the ordinance and this section or to defend actions challenging*
2 *the adoption of the ordinance allowing the displays.*
3 (i) An advertising display lawfully erected on or before
4 December 31, 2013, in conformity with subdivision (e) of this
5 section as it read on that date, shall remain authorized, subject to
6 the terms of that subdivision.

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